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EXAMINER	
LE, MIRANDA	
ART UNIT	**PAPER NUMBER**
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/995,292	BUINEVICIUS ET AL.	
	Examiner	Art Unit	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-14,16-23 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-14 and 16-23, 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-2, 4-14, 16-23, 25 are pending in this application. Claims 1, 14, 21 are independent claims. This action is made Final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 4-8, 10-14, 16-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 7,006,671), in view of Toyama et al. (US Patent No. 7,068,309).

As to claims 1, 14, Yamaguchi teaches a method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, the method comprising *(col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B);*

capturing media, biometric, and database information association with an individual *(i.e. information related to a bodily feature such as a fingerprint, voiceprint, hair, or nail can also be*

used as specific information, or a physical key such as an IC card can also be used as specific information. Security can be improved using a plurality of pieces of specific information, col. 3, line 63 to col. 4, line 4);

including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured *(i.e. for each registered person, pieces of information including the captured image or extracted feature as the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person, col. 5, lines 31-54, col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B; and col. 5, line 61 to col. 6, line 3);*

processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals *(i.e. extract specific information of an object person from the object person , col. 2, lines 3-45; the sorting method, col. 5, line 61 to col. 6, line 3);*

providing a user interface *(i.e. The administrator can easily obtain necessary information at a necessary time, col. 5, lines 31-54)* that can be configured to retrieve, view, manage, compare, and analysis *(i.e. classifies; comparing, sorts, col. 2, lines 3-45).*

Yamaguchi does not specifically teach annotate the captured information.

However, Toyama teaches annotate the captured information *(col. 3, lines 38-50; col. 4, lines 49-67).*

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi and Toyama at the time the invention was made to modify the system of Yamaguchi to include annotate the captured information as taught by Toyama.

One of ordinary skill in the art would be motivated to make this combination in order to allow the user to effectively search and control access to the photo index or photo database in view of Toyama, as doing so would give the added benefit of easily sharing images with a specific small group of people, a larger group of people, or the whole world as taught by Toyama *(col. 3, lines 25-37).*

As per claim 21, Yamaguchi teaches a processing system comprising:

a central processing unit (CPU) *(Fig. 1, col. 10, lines 16-19);* and

a storage device coupled to the CPU and having stored there information for configuring the CPU to:

capture media, biometric, and database information associated with an individual *(i.e. information related to a bodily feature such as a fingerprint, voiceprint, hair, or nail can also be used as specific information, or a physical key such as an IC card can also be used as specific information. Security can be improved using a plurality of pieces of specific information, col. 3, line 63 to col. 4, line 4);*

assign timing information *(i.e. timepiece 18, Fig. 1)* to the captured media, biometric, and database information associated with the individual to form a history of captured information including times of when the media, biometric and database information is captured *(i.e. for each registered person, pieces of information including the captured image or extracted*

feature as the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person; "images of persons who used the personal identification apparatus from X to Y o'clock", col. 5, lines 31-54);

processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals *(i.e. extract specific information of an object person from the object person , col. 2, lines 3-45; the sorting method, col. 5, line 61 to col. 6, line 3);*

providing a user interface *(i.e. The administrator can easily obtain necessary information at a necessary time, col. 5, lines 31-54)* that can be configured to retrieve, view, manage, compare, and analysis *(i.e. classifies; comparing, sorts, col. 2, lines 3-45).*

Yamaguchi does not specifically teach annotate the captured information.

However, Toyama teaches annotate the captured information *(col. 3, lines 38-50; col. 4, lines 49-67).*

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi and Toyama at the time the invention was made to modify the system of Yamaguchi to include annotate the captured information as taught by Toyama.

One of ordinary skill in the art would be motivated to make this combination in order to allow the user to effectively search and control access to the photo index or photo database in view of Toyama, as doing so would give the added benefit of easily sharing images with a

specific small group of people, a larger group of people, or the whole world as taught by Toyama *(col. 3, lines 25-37).*

As per claim 2, Yamaguchi teaches the media, biometric, and database information includes a facial image, voice audio, or fingerprint *(col. 3, line 63 to col. 4, line 4).*

As to claims 4, 16, Yamaguchi teaches forming a summary profile that is an abstract including intelligent portion of various captures of media, biometric, and database information associated with the individual *(Figs. 2, 3A-3B).*

As to claims 5, 17, Yamaguchi teaches selectively presenting the summary profile on the user interface *(col. 9, lines 62-64).*

As to claims 6, 18, Yamaguchi teaches the selective presentation of the summary profile in the user interface is in response to a search query *(col. 5, lines 31-54; col. 9, lines 45-53).*

As to claims 7, 19, Yamaguchi teaches providing for a user-defined search of digital information associated with a number of individuals *(col. 5, lines 31-54).*

As to claims 8, 20, Yamaguchi teaches conducting a more like this search when a search result from the user-defined search of digital information associated with a number of individuals is explored *(col. 5, lines 31-54).*

As per claim 10, Yamaguchi teaches capturing media, biometric, and database information associated with an individual includes using a video camera to capture audio and moving pictures of the individual *(col. 4, lines 5-67).*

As per claim 11, Yamaguchi teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes analyzing the media, biometric, and database information with respect to identification factors *(col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B).*

As per claim 12, Yamaguchi teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes comparing captured media, biometric, and database information of a first individual with media, biometric, and database information of a number of categorized individuals to find a best match *(col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B).*

As per claim 13, Yamaguchi teaches displaying video thumbnails of video images of the number of individuals on the user interface *(Fig. 6).*

As per claim 22, Yamaguchi teaches a presentation device wherein the presentation device is configured to provide a graphical user interface which presents representations of the captured media, biometric, and database information associated with the individual (*col. 5, lines 31-54).*

As per claim 23, Toyama teaches an interface device configured to connect the CPU with a network of computers *(col. 3, lines 25-37).*

As per claim 25, Yamaguchi teaches the CPU is further configured to form a summary profile that is an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual *(Figs. 2, 3A-3B).*

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 7,006,671), in view of Toyama et al. (US Patent No. 7,068,309), and further in view of Wilson et al. (US Patent No. 6,047,282).

As per claim 9, Yamaguchi teaches the more like this search uses facial, and other biometric information to find matches *(col. 5, lines 31-54).*

Yamaguchi and Toyama do not explicitly teach "speech".

However, Wilson teaches this limitation at col. 7, lines 19-35 *(i.e. voice).*

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi, Toyama and Wilson at the time the invention was made to modify the system of Yamaguchi and Toyama to include the above limitation as taught by Wilson.

One of ordinary skill in the art would be motivated to make this combination in order to amplify the efficiency of the searching engine in view of Wilson, as doing so would give the added benefit of providing the capabilities of the system to efficiently index, store, insert, delete, and search hundreds of thousands or millions or records as taught by Wilson *(col. 7, lines 19-35).*

Response to Arguments

5. Applicant's arguments filed 03/10/2003 have been fully considered but they are not persuasive.

A. Claims 1, 2, 4-8, 10-14, 16-23, 25

1. All claims limitations shown:

Yamaguchi teaches "including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured" *(i.e. for each registered person, pieces of information including the captured image or extracted feature as the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person, col. 5, lines 31-54, col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B; and col. 5, line 61 to col. 6, line 3).*

In col. 2, lines 30-45, Yamaguchi reference states:

*"there is provided a personal identification apparatus comprising a storage device which stores **specific information of each of registered persons**, an extraction device which can extract specific information of **an object person** from the object person, a classification device which classifies whether the object person is included in the registered persons by comparing the pieces of specific information of the registered persons, **which are stored in the storage device, with the specific information of the object person**, which is extracted by the extraction device, and a registered information operation device which **sorts an order of the pieces of specific information of the registered persons**, which are stored in the storage device, in accordance with a use situation of the registered persons, or sets whether the registered persons are to be subjected to classification" (col. 2, lines 30-45).*

In col. 5, lines 30-42, Yamaguchi reference states:

"The storage device 11 stores, for each registered person, pieces of information including the captured image or extracted feature as the specific information of the registered

person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as ***the date/time and place of identification of the registered person****. The pieces of information registered for each registered person have, e.g., the data format as shown in FIG. 2. At the initial time,* ***the pieces of information are arranged in the order*** *of, e.g., registration" (col. 5, lines 31-42).*

In col. 5, line 62 to col. 6, line 3, Yamaguchi reference states:

More specifically, ***the control determination device 13 determines the sorting method for the information stored in the registered information storage device 2****, computes the time required for determination of sorting, or changes the items.* ***The sorting device 14 receives the stored information to change the order of registered information****, sorts the pieces of received information in accordance with the reference designated by the control determination device 13, and transmits the sorted information to the registered information storage device 2 (col. 5, line 62 to col. 6, line 3).*

Accordingly, "**database information**" equates to ***specific information of each of registered persons*** of Yamaguchi *(See col. 2, lines 30-45).*

"**an individual**" equates to ***an object person*** of Yamaguchi *(See col. 2, lines 30-45).*

Note that that Yamaguchi teaches the control determination device 13 determines the sorting method for the information stored in the registered information storage device 2, and the sorting device 14 receives the stored information to change the order of registered information, *(See col. 2, lines 30-45).* Furthermore, the **date/time is included in the pieces of information *of identification of the registered person*** *(See col. 5, lines 31-42),* and the pieces of information are arranged in the order *(See col. 5, lines 31-42).*

Therefore, contrary to Applicant's argument, the Examiner asserts that Yamaguchi teaches the limitation "**multi-modal chronological dossier of an individual**" as Yamaguchi teaches a dossier or a history of a person in these recited paragraphs.

2. No Motivation to Combine Yamaguchi with Toyama.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Yamaguchi discloses a personal identification method comprising storing specific information (or images) of each of registered persons in a storage device, extracting specific information of an object person from the object person, classifying whether the object person is included in the registered persons by verifying the pieces of specific information of the registered persons, which are stored in the storage device, with the specific information of the object person, which is extracted in the extracting step, and performing operation of sorting an order of the pieces of specific information of the registered persons, which are stored in the storage device, in accordance with a use situation of the registered persons, or setting whether the registered persons are to be subjected to classification (Summary).

Toyama discloses a system and method of providing an image-sharing environment that enhances manual and automatic image annotation (Summay).

As discussed above, Yamaguchi teaches "an object person" for storing biometric information of a person, fingerprint, voiceprint, hair, or nail that can also be used as specific information *(See col. 3, line 63 to col. 4, line 4),* and captured image *(See col. 5, lines 31-42).* The information in the storage as disclosed in a table of Fig. 2, including an extra column *(i.e. others, See Fig. 2),* therefore, it would have been obvious to one of ordinary skill of the art to modify this extra column to store some annotated information.

Both Yamaguchi and Toyama direct to a database for storing images, Toyama teaches the system including manual and automatic photo annotation, it would have been obvious to one of

ordinary skill of the art having the teaching of Yamaguchi and Toyama at the time the invention was made to modify the system of Yamaguchi to include this limitation as taught by Toyama.

One of ordinary skill in the art would be motivated to make this combination in order to detect, compare multiple images of the same object and combine metadata from the various sources to better annotate each of the images as taught by Toyama *(col. 5, lines 1-13)*, as doing so would give the added benefit of readily allowing a user to effectively search and control access to the image index or image database in view of Toyama *(col. 4, lines 53-67)*.

Thus, it is evident that claims 1, 2, 4-8, 10-14, 16-23, 25 are obvious in view of Yamaguchi and Toyama and it would have been obvious to combine Yamaguchi into Toyama in accordance with the motivation set forth above.

3. Summary

In response to the Applicant's argument regarding claim rejection under 35 U.S.C 103(a), as detailed, the claim language as presented is still read on by the Yamaguchi reference at the cited paragraph in the claim rejections. Yamaguchi does teach all Applicant's claim limitation including "multi-modal chronological dossier" of an individual. Further, the teaching of annotating the captured information being taught by Toyama is used in combining with the system of Yamaguchi to render obvious the claimed limitation, despite the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art that cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

B. Claim 9

As pointed out by the examiner above, a case for obviousness is established by combining the Yamaguchi reference with Toyama as the combination teaches all the claim limitations.

Although Yamaguchi and Toyama do not explicitly teach "speech", Wilson, however, discloses a method and apparatus for expandable biometric searching that can advantageously initiate searching in single or multi-dimensional space for multi-dimensional biometric data searching capabilities, including different types of biometric data such as fingerprint, facial shape, hand geometry, iris, retina, and/or **voice** (Summary).

As the three references direct to methods and systems for retrieving, detecting, comparing images, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine Yamaguchi, Toyama, and Wilson in arriving at the instant invention because, as Yamaguchi discloses in Summary, his invention may be used to store specific information of each of registered persons, extract specific information of an object person from the object person, and classify whether the object person is included in the registered persons by comparing the pieces of specific information of the registered persons.

In addition, Toyama further provides the ability to assist the user in annotating the captured information.

By combining Yamaguchi and Toyama, the user could readily and easily detect, compare multiple images of the same object and combines metadata from the various sources to better annotate each of the images. This would enhance the ability to effectively search and control access to the image index or image database.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add Wilson's multi-dimensional biometric data searching capabilities including voice because it would provide an improved method of efficiently searching for biometric data in a relatively large database of biometric data that having increased performance capabilities, e.g., speed of data searching and processing, and increased accuracy as taught by Wilson *(col. 7, lines 19-35).*

For all of the above reasons, arguments as raised are moot since all claim limitations relevant to this issue have been addressed accordingly.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Miranda Le
March 16, 2007

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